

29. (New) The patient support of claim 27, wherein the controller retracts the foot section when the head section is lowered.

## **REMARKS**

### **Introductory Comments**

Applicants would like to thank the Examiner for the courtesies extended to the undersigned during the telephonic interview on August 5, 2004. The following remarks reflect and expand upon the subject matter discussed during the telephonic interview.

### **Claim Objections**

Claims 7, 8, 10-13, and 21-26 were objected to as being dependent upon a rejected base claim. Applicants acknowledge with appreciation the Examiner's indications that claims 7, 8, 10-13, and 21-26 would be allowable if rewritten in independent form. Claims 7, 21, and 23-25 have been rewritten in independent form, therefore claims 7, 8, 10-13, and 21-26 are believed to be in condition for allowance.

### **New Claims**

Claims 27-29 have been added to the application.

### **Claim Rejections**

Claims 1-6, 9 and 14-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,787,104 to Grantham (hereinafter "Grantham").

Grantham describes a CONVERTIBLE HOSPITAL BED. In Grantham, convertible bed 10 includes a lower mainframe 16 and an upper movable frame 20, which includes an upper body portion 22 and a lower body portion 24. Lower body portion 24 includes a movable carriage 30 to which the upper body portion 26 is attached, and a plurality of transverse slats 32. The carriage 30 and the slats 32 are linked together at opposite sides of the bed by a pair of longitudinally extending sprocket chains. A cylindrical roller 34 extends transversely of the bed adjacent the foot end and provides surfaces for guiding slate 32 and associated drive chains during longitudinal movement of the upper frame 20 in converting the apparatus between the bed and chair configurations. During conversation from the bed configuration to the chair configuration, the driving chains draw the slats 32 over the roller 34 and back underneath the mainframe between the side panels 18. The foot portion of the mattress 40 and undersheet positioned thereon are also drawn back under the mainframe of the bed during conversation to the chair configuration.

Regarding claim 1, Applicants respectfully submit that Grantham does not disclose a hospital bed where “the patient’s hips [are] positioned a first distance above a floor surface during the change of length of the foot section, the patient’s heels [are] position a second distance above the floor surface during the change of length of the foot section, the first distance [is] substantially equal to the second distance” as claimed in amended claim 1. In Grantham, as the length of the foot section is reduced, the patient’s heels are lowered toward a floor surface to allow the patient to exit the hospital bed when it reaches the chair configuration. The distance between the patient’s heels and a floor surface decrease as the foot section rolls under the bed. The patient’s hips remain at a fixed distance from the floor during the change of length of the foot section. The distance between the patient’s hips and the floor surface and the patient’s heels and the floor surface is not equal during the extension and retraction of the change of length of the foot section. Therefore, Applicants respectfully request removal of the rejection to amended claim 1. Claims 2-6, 9, and 14 depend either directly or indirectly from amended claim 1 and contain independently patentable subject matter. Removal of the rejections to claims 2-6, 9, and 14 is respectfully requested.

Regarding Claim 15, Grantham does not disclose a hospital bed including a mattress having a “foot portion movable between extended and retracted positions, the foot portion being configured to move to the extended position when the head section is raised and to support a lower leg portion of the patient in both the extended and retracted positions” as claimed in amended claim 15. As shown in Figs. 3, 4, and 5, of Grantham, the foot portion of the mattress does not support a patient’s lower leg portion when in the retracted position, as required by amended claim 15. Therefore, Applicants respectfully request removal of the rejection to claim 15. Claims 16-20 depending either directly or indirectly from amended claim 15 and contain independently patentable subject matter. Removal of the rejection to claims 16-20 is respectfully requested.

### **Final Remarks**

Applicants submit that claims 1-29 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, Applicants request that this Amendment be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees for filing this Response be charged to the account of Bose McKinney & Evans LLP, Deposit Account Number 02-3223.

Respectfully submitted,

BOSE McKINNEY & EVANS



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